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 PAULEY CONSTRUCTION, INC.

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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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11 SIFA TUIAKI and LUPE TUIAKI,
 12 Plaintiffs,

13 v.

14 PACIFIC GAS AND ELECTRIC
 COMPANY, PAULEY
 15 CONSTRUCTION, INC., TRAFFIC
 SOLUTIONS, INC., ADELPHIA
 16 TELECOMMUNICATIONS CO., INC.,
 SBC TELECOMMUNICATIONS, INC.,
 17 MOBILE TOOL INTERNATIONAL, INC.
 dba TELSTA, COUNTY OF
 18 MENDOCINO, STATE OF
 CALIFORNIA, PACIFIC BELL
 19 TELEPHONE COMPANY, PACIFIC
 TELESIS GROUP, SBC OPERATIONS,
 20 INC., and DOES 1 to 50,

21 Defendants.

22 AND RELATED CROSS-ACTION.

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24 I, JEFFREY M. VUCINICH declare as follows:

25 1. I am an attorney at law licensed to practice before all of the courts of the State of
 California, and am a partner of the law firm Clapp, Moroney, Bellagamba and Vucinich, attorneys of
 record for defendant PAULEY CONSTRUCTION, INC. ("Pauley") I make this declaration in support

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27 DECLARATION OF JEFFREY M. VUCINICH IN SUPPORT OF
 PAULEY CONSTRUCTION, INC'S. MOTION TO REMAND TO
 STATE COURT [28 U.S.C. §1447(c)]; Case # C07 2257 JCS

CASE NO.: C07 2257 JCS

**DECLARATION OF JEFFREY M.
 VUCINICH IN SUPPORT OF PAULEY
 CONSTRUCTION, INC'S. MOTION TO
 REMAND TO STATE COURT [28 U.S.C.
 §1447(c)]**

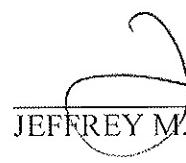
Date:	June 22, 2007
Time:	9:30 a.m.
Location:	Courtroom A, 15th Floor
Judge:	Magistrate Judge Joseph C. Spero

1 of Pauley's Motion to Remand. If called upon as a witness, I could and would testify to the following:

2 2. A true and correct copy of: (1) Pauley's January 9, 2007 Motion for Judgment on the
 3 Pleadings; (2) Pauley's February 6, 2007 Reply to Adelphia Communication Corporation's
 4 ("Adelphia") Opposition thereto; and (3) February 13, 2007 San Francisco Superior Court Order
 5 granting Pauley's Motion for Judgment on the Pleadings are attached hereto as "**Exhibit A.**" These
 6 documents establish that as of at least January 9, 2007, not March 26, 2007, as Adelphia
 7 Communications Corporation misstates, Pauley raised issues arising under the bankruptcy code. Thus,
 8 Adelphia's Notice of Removal is tardy and the action must be remanded to State Court.

9 3. A true and correct copy of the June 14, 2004, Stipulation and Agreed Order Granting
 10 Sifa and Lupe Tuiaki Partial Relief From the Automatic Stay To Initiate Action Against Third Party
 11 Insurance Proceeds in the United States Bankruptcy Court, Southern District of New York Case No.
 12 02-41729 (REG) is attached hereto as "**Exhibit B.**" This document establishes that as of at least June
 13 14, 2004, not March 26, 2007, as Adelphia Communications Corporation misstates, Adelphia knew
 14 about issues arising under the bankruptcy code. In addition, Exhibit B demonstrates that since the
 15 relief allowed the case to proceed as to available insurance, the real parties in interest are clearly the
 16 insurers, and therefore this is not a core proceeding (and recovery cannot augment the estate). Thus,
 17 Adelphia's Notice of Removal is tardy and the action must be remanded to State Court.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing
 19 is true and correct and that I have personal knowledge of all facts contained in this Declaration, except
 20 for those matters stated to be on information and belief, and, if called as a witness, I could and would
 21 competently testify thereto. Executed on May 14, 2007 at San Bruno, California.

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 24 JEFFREY M. VUCINICH
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